

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Robert Moss, individually and as general guardian of his minor child;)
)
Ellen Tillett, individually and as general guardian of her minor child; and)
)
Freedom From Religion Foundation, Inc., a Wisconsin non-profit corporation,)
)
Plaintiffs,)
)
v.)
)
Spartanburg County School District No. 7,)
)
Defendant.)
)

Case No. 7:09-cv-1586-HMH

**LOCAL RULE 12.01 EXTENSION OF TIME TO RESPOND TO PLAINTIFFS'
SECOND AMENDED COMPLAINT**

The Defendant, Spartanburg County School District No. 7 (the “School District”), and Plaintiffs, pursuant to Local Rule 12.01 DSC, consent to an extension of the time for the School District to answer or otherwise plead to the Plaintiffs’ Second Amended Complaint. The parties respectfully show:

1. The Summons and Original Complaint were served on the School District on July 22, 2009 [*See* Dkt. 10];
2. The School District filed a motion to dismiss Plaintiffs’ Establishment Clause claim on August 31, 2009 [Dkt. 19];
3. While the School District’s motion to dismiss was pending, Plaintiffs filed a First Amended Complaint on September 17, 2009 [Dkt. 24], and a Second Amended Complaint on September 20, 2009 [Dkt. 27], which added an Equal Protection Claim;
4. On October 30, 2009, the School District filed a motion to dismiss Plaintiffs’ Equal Protection claim [Dkt. 33];

5. On December 17, 2009, the Court issued an Order [Dkt. 39] denying the School District's motion to dismiss Plaintiffs' Establishment Clause claim [Dkt. 19] and granting the School District's motion to dismiss Plaintiffs' Equal Protection Claim [Dkt. 33];
6. Under Fed. R. Civ. P. 12(a)(4)(A), as amended on December 1, 2009, the School District's answer is presently due on Monday, January 4, 2010;
7. The deadline for Defendant to respond to Plaintiffs' Second Amended Complaint has not previously been extended. With a 14-day extension under Local Rule 12.01 DSC, the School District's answer would be due on Monday, January 18, 2010;
8. Counsel for the Plaintiffs consent to the extension of time.

Respectfully Submitted,

/s/Kenneth E. Darr, Jr.
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WE CONSENT:

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January 4, 2010
Spartanburg, South Carolina